

Court No. - 3

Case :- WRIT - C No. - 2970 of 2023

Petitioner :- Sanjay Kumar Rathi

Respondent :- State Of U.P. Thru. Prin. Secy. Industrial Development U.P. Govt. Civil Sectr. Lko. And Others

Counsel for Petitioner :- Farooqahmad,O.P. Tiwari,Sarvesh Kumar Dubey

Counsel for Respondent :- C.S.C.,Varun Pandey

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Petitioner has approached this Court claiming that by an award dated 18.10.2022 certain compensation is fixed with regard to the land and building of the petitioner acquired by the respondent N.H.A.I., however, all the construction were not taken into consideration and the award in paragraph no. 6 specifically states that with regard to the construction, a separate award shall be pronounced after getting the construction valued from P.W.D. department.

Learned counsel for the petitioner states that till date the said additional award has not been given. He further states that grievance of petitioner would be substantially met in case, he is permitted to make a detailed representation to the respondent no. 3-Special Land Acquisition Officer, Unnao, who may consider the grievance of the petitioner and pass an additional award in view of paragraph no. 6 of award dated 18.10.2022.

Sri S.B. Pandey, learned Senior Advocate assisted by Shri Varun Pandey, learned counsel for the respondent no. 4 states that in case such an award has yet not been passed, the same may be passed and while passing the said, respondent no. 4 may also be given an opportunity of hearing.

In view of the said facts, petitioner is permitted to make a fresh representation before respondent no. 3-Special Land Acquisition Officer, Unnao within a period of ten days from today alongwith a certified copy of this order. In case such a representation is made, respondent no. 3 shall consider and decide the claim of the petitioner and pass an award while giving an opportunity of hearing to the petitioner as well as respondent no. 4- U.P. Expressways Industrial Development Authority, Lucknow within a period of six weeks, thereafter. In case, he requires the assistance of P.W.D., the same may also be

taken.

It goes without saying that unless the constructions are duly got measured by the respondent no. 3, the same shall not be demolished.

With the aforesaid, the writ petition is disposed of.

(Manish Kumar,J) (Vivek Chaudhary,J)

Order Date :- 19.12.2023

Ashish